## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/695,759  | 10/30/2003  | Takushi Yokoyama     | 0425-1062P          | 6887             |
| 2292 7590 01/08/2007<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747 |             |                      | EXAMINER            |                  |
|   |             |                      | GELLNER, JEFFREY L  |                  |
| FALLS CHURCH, VA 22040-0747   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3643                |                  |
|   |             |                      |                     |                  |
|   |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|   |             |                      | 01/08/2007          | ELECTRONIC       |

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Advisory Action Before the Filing of an Appeal Brief

| Application No.    | Applicant(s)    |  |
|--------------------|-----------------|--|
| 10/695,759         | YOKOYAMA ET AL. |  |
| Examiner           | Art Unit        |  |
| Jeffrey L. Gellner | 3643            |  |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address -PLY FILED 26 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment

| THE                              | REPLY FILED <u>26 December 2006</u> FAILS TO   | PLACE THIS APPLICATION IN CONI  | DITION FOR ALLOWANCE.  |
|----------------------------------|--|---|--|
| 1. 🛛                             | a Request for Continued Examination (RCE)  | e of the following replies: (1) an amend<br>nce; (2) a Notice of Appeal (with appe  | Notice of Appeal. To avoid abandonment of dment, affidavit, or other evidence, which al fee) in compliance with 37 CFR 41.31; or (3) e reply must be filed within one of the following                                       |
|                                  | time periods:  |   | •  |
| a)                               | $\square$ The period for reply expires $\underline{3}$ months from th  |   |  |
| b)                               | no event, however, will the statutory period for   | reply expire later than SIX MONTHS from   |  |
|                                  | TWO MONTHS OF THE FINAL REJECTION.   | See MPEP 706.07(f).   | WHEN THE FIRST REPLY WAS FILED WITHIN  |
| have<br>under<br>set fo<br>may r | r 37 CFR 1.17(a) is calculated from: (1) the expiration of the in (b) above, if checked. Any reply received by the duce any earned patent term adjustment. See 37  | ne period of extension and the corresponding the corresponding the corresponding that of the corresponding the office later than three months after the | 37 CFR 1.136(a) and the appropriate extension feeing amount of the fee. The appropriate extension fee or reply originally set in the final Office action; or (2) a mailing date of the final rejection, even if timely filed |
|                                  | ICE OF APPEAL  |   |  |
|                                  | The Notice of Appeal was filed on A filing the Notice of Appeal (37 CFR 41.37(a)) a Notice of Appeal has been filed, any reply | , or any extension thereof (37 CFR 41   | 7 must be filed within two months of the date of 1.37(e)), to avoid dismissal of the appeal. Since it forth in 37 CFR 41.37(a).  |
|                                  |  |   |  |
| 3. 🔼                             | The proposed amendment(s) filed after a fin (a) ☐ They raise new issues that would requi   | ire further consideration and/or search   |  |
|                                  | (b) They raise the issue of new matter (see  |   |  |
|                                  | (c) They are not deemed to place the appl appeal; and/or   |   |  |
|                                  | (d) They present additional claims without   |   | f finally rejected claims.   |
|                                  | NOTE: See Continuation Sheet. (See   | e 37 CFR 1.116 and 41.33(a)).   |  |
| 4. 🗌                             | The amendments are not in compliance with  | 37 CFR 1.121. See attached Notice   | of Non-Compliant Amendment (PTOL-324).   |
|                                  | Applicant's reply has overcome the following   | •   |  |
| 6.                               |  |   | separate, timely filed amendment canceling the   |
| 7. 🛚                             | For purposes of appeal, the proposed amend how the new or amended claims would be re The status of the claim(s) is (or will be) as fol Claim(s) allowed:   | jected is provided below or appended  |  |
|                                  | Claim(s) objected to:  |   |  |
|                                  | Claim(s) rejected: <u>1-4, 7, 10-15, 18-27</u> .<br>Claim(s) withdrawn from consideration: <u>5,6,8</u>  | 3,9,16 and 17.  |  |
| <u>AFFI</u>                      | IDAVIT OR OTHER EVIDENCE   |   |  |
| 8. 🗀                             | The affidavit or other evidence filed after a fir because applicant failed to provide a showing was not earlier presented. See 37 CFR 1.11   | g of good and sufficient reasons why  | f filing a Notice of Appeal will not be entered the affidavit or other evidence is necessary and   |
|                                  | showing a good and sufficient reasons why it   | ice failed to overcome <u>all</u> rejections un<br>t is necessary and was not earlier pre   | nder appeal and/or appellant fails to provide a sented. See 37 CFR 41.33(d)(1).  |
|                                  | The affidavit or other evidence is entered. A NUEST FOR RECONSIDERATION/OTHER  | An explanation of the status of the clai  | ms after entry is below or attached.   |
|                                  | The request for reconsideration has been co  | onsidered but does NOT place the ap   | plication in condition for allowance because:  |
| _                                | Note the attached Information Disclosure S   | tatement(s). (PTO/SB/08) Paper No(s   | s)   |
| 13. [                            | Other:   | 01/11   | <b>/</b> // _  |
|                                  |  | 1/1/15 1/1  | Jeffrey L. Gellner   |
|                                  |  |   | Primary Examiner Art Unit: 3643  |
|                                  |  |   |  |

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)

Continuation of 3. NOTE: The amended language to the independent claims would require further consideration and searching.